



PATENT P56854

## IN PARTY ONITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

JUN-HYUK LEE et al.

Serial No.:

10/657,278

Examiner:

FRAZIER, OWEN J.

Filed:

9 September 2003

Art Unit:

2687

For:

METHOD AND SYSTEM FOR USING EITHER PUBLIC OR PRIVATE

**NETWORKS IN 1x EV-DO SYSTEM** 

# PETITION TO RESET AND RESTART PERIOD FOR REPLY DUE TO LATE RECEIPT OF A PTO ACTION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicant respectfully petitions and request to send a supplemental Office communication to the final Office action (Paper No. 060506) dated 13 April 2006, and reset and restart period to reply to the final Office action due to the late receiving of PTO action.

Folio: P56854 Date: 5/5/06 I.D.: REB/fw

# **STATEMENT OF FACTS**

- 1. On 13 April 2006, the U.S. Patent & Trademark Office prepared and ostensibly issued a final Office action (Paper No. 030506) in the above-referenced patent application;
- 2. On 1 May 2006, Applicant's undersigned attorney received an envelope that contained the final Office action (Paper No. 030506) dated 13 April 2006;
- 3. The date stamp on the envelope is dated 13 April 2006, Postage Meter No. 0004205065.

#### **REMARKS**

With the guidance of the Petition's Office, applicant respectfully petitions under §710.06 of the MPEP (7th Ed., red.1, Feb 2000) to restart the previously set period for reply to the outstanding Office action from the date of receipt of the PTO action at the correspondence address, namely from the 13<sup>th</sup> of April 2006, states that:

- (A) this Petition is filed within two weeks of the date of receipt of the PTO action at the correspondence address;
  - (B) a substantial portion of the set reply period has elapsed on the date of receipt; and

(C)a copy of the first page of the final Office action showing the date stamp of receipt attached by the undersigned attorney's docketing clerk, together with a copy of our list of incoming mails, and a copy of an envelop with the stamp showing the date, constitutes evidence establishing the date of receipt.

The date of receipt of the PTO action at the correspondence address was: 13 April 2006. The evidence being presented shows the customary date stamp applied by the undersigned attorney's docketing clerk and the accompanying letter confirms the Notice to the Commissioner previously issued by applicant's attorney of non-receipt.

## **RELIEF REQUESTED**

Accordingly, the Commissioner is respectfully requested to:

- A. Immediately issue a supplemental Office communication to the final Office action (Paper No. 030506) to Applicant's undersigned attorney;
- B. Reset and restart period for reply to the final Office action; and
- C. Grant such other and further relief as justice may require.

Respectfully submitted,

Robert E. Bushnell,

Attorney for the Applicant Registration No.: 27,774

1522 "K" Street N.W. Suite 300 Washington, D.C. 20005-1202 (202) 408-9040

Folio: P56854 Date: 5/5/06 I.D.: REB/fw

Enclosure:

- a) Copy of the envelope dated 4/13/2006, Postage Meter No. 0004205065
- b) Lists of communications received from the U.S. PTO between 4/13/2006 and 5/1/2006

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	11/330,232			2
P57789	11/326,453	4/10/06		:
P\$ 7734	1/324,807	4/14/06		FR.
P56936	10/644,014	4/12/06		Issue Notification
P5 7041	10/790,752	4/12/06		2
P56675	10/073,153	4/13/06		Notice of Abandon.
P57829 P57031	11/346,552	4/14/06	6/14/06	Missing Parts.
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057641	1/385,825	4/17/06			
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057712	0/562,925	4/17/06		<u> </u>	
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	09/531,005	1	1	Let. Patent No. 7,032,184
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	10/8/5,665	1	1	No. 7, 031, 088.
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D54346A	5 10/31,049	4/17/06		Off. Comm
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P56577	09/945,108	4/19/06		AA
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		4/18/06		Let. Pat. No. 7,031,320.
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P57562	11/330,258	4/13/06		
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P57606	1/330,230	4/13/06		
P56211	09/739,454	#		Maint. Fee Statement.
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P56661	10/140,289	4/20/06	7/20/06	OA
D 57266	10/980,338	4/20/06	7/19/06	OA
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P565	97	09/976,274	4/20/06	7/20/06	Issue Fee
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	76/581.174			Notice of Publication
	10/265,260	ı		Issue Notification.
P56315	10/044,934	4/26/06		
P56584	10/086,825	4/20/06	,	V
P57807	11/347,582	4/28/06		FR.
P57870	11/391,447	4/28/06		FR, Withdraw of Prev. Sent N
DC7835	11/340,597	14/24/ac	)	Assign
P57116	11/336,878	4/21/06	2	<u> </u>
P 56176	09/651,780	24/28/00	5	AA
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